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IN THE

# SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1978

No. 78-314

LLOYD M. PELTON,
Petitioner

vs.

UNITED STATES OF AMERICA

REPLY BRIEF

~~ADDENDUM TO~~

~~PETITION FOR WRIT OF CERTIORARI~~

~~TO THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT~~

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## ADDENDUM TO PETITION FOR WRIT OF CERTIORARI

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Comes now the petitioner, Lloyd M. Pelton, and prays leave of this Honorable Court to file this addendum to the petition for Writ of Certiorari heretofore filed.

The United States Of America, by and through the Honorable Solicitor General, at the request of this Honorable Court, has filed a "Brief For The United States In Opposition" to the petition for Writ of Certiorari filed on behalf of this Petitioner and on behalf of another Petitioner, Jacqueline Rich.

The brief by the Respondent, The United States of America, consist of 16 pages. Only 2 plus pages deal with this Petitioner's request for relief.

The Respondent, on page 15 of it's brief, makes inconsistent statements:

1) "We recognize that The Court Of Appeals have not been consistent . . . . . "

2) We submit that these differences need not be resolved in a case such as this where, as we have shown, there was no prejudice . . . . .

The Petitioner respectfully submits to this Honorable Court that he has not had the opportunity to present to this court nor any other court the evidence of prejudice that he suffered because of being tried with co-defendant Rich. This Petitioner can show, if given the opportunity, that there was definitely prejudice against him during this trial and throughout the appeal because of being associated with the co-defendant, Jacquline Rich. The purpose of the petition for Writ Of Certiorari before this Honorable Court is to have the question of severance decide by The Eighth Circuit Court Of Appeals, not to have the entire issue cast asside without resolution as the government would ask on page 15 of it's brief. The attitude expressed by the United States in it's brief, stating in a unilateral, summary manner that even if the Petitioner has raised a valid point that should be resolved by this Honorable Court, this Petitioner is not entiled to such relief, is the narrow thinking that this Petitioner is attempting to correct. If this Honorable Court accepts the theory of the United States that the Petitioner has not shown any prejudice, then this Petitioner respectfully prays leave of Court to file an amended petition for Writ Of Certiorari expressly stating where the prejudice has attached to this Petitioner.

## CONCLUSION

For the above set out reason the petition for Writ Of Certiorari filed by Petitioner, Lloyd M. Pelton, should be granted.

Respectfully Submitted,
Dorsey, Dorsey & Schoeneberg

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